

REMARKS

Status of the Claims

Upon entry of the amendment above, claims 24-33 will be pending, claim 24 being independent. Claims 1-23 are canceled.

Summary of Office Action

The drawings are objected to because each of the reference characters “1”, “2”, and “3” is used to designate more than a single element in the drawings.

The specification is objected to with regard to the abstract and with regard to a sentence in paragraph 0030.

Claims 1-8, 13-18, 20, 21, and 23 are rejected as being unpatentable over ISHIDA et al. (U.S. Patent No. 6,639,625, hereafter ISHIDA) in view of “Risley Prism Scan Patterns,” by Marshall (hereafter MARSHALL).

Claims 9-12, 19, and 22 are rejected under 35 USC §103(a) over ISHIDA and MARSHALL, and further in view of BEGED (U.S. Patent Application Publication No. 2003/0142882).

Claims 1 and 18 are rejected under 35 USC §102(b) as being anticipated by WU et al. (U.S. Patent No. 6,005,682, hereafter WU).

Response to the Office Action

A. Summary of the Amendment

In the amendment above, Applicants have presented a Replacement Sheet of drawing and they have presented amendments to the specification, including to the abstract, which are believed to address and overcome the objections thereto.

In addition, Applicants have canceled the original rejected claims in favor of a single set of method claims, which is believed to define their invention in a way that is patentable over the documents of record.

B. Withdrawal of the Objection to the Drawings

Applicant kindly requests reconsideration and withdrawal of the objection to the drawing in view of the submission of a the attached Replacement Sheet. In the Replacement Sheet, Fig. 2 has been amended to change reference characters "1", "2", and "3" to "11", "12", and "13", respectively. Accordingly, no conflict exists with reference characters "1", "2", and "3" in Fig. 1, which gave rise to the objection.

Corresponding amendments have been made to paragraph 0022 to provide reference to new reference characters "1", "2", and "3."

C. Withdrawal of the Objection to the Specification

Reconsideration and withdrawal of the objections to the specification are kindly requested in view of the amendments made to the abstract and to paragraph 0030 of the specification above, whereby the offending sentences giving rise to the objections have been deleted.

D. Withdrawal of the Rejection Based Upon WU

In the amendment above, Applicants have canceled the original claims, including independent claims 1 and 18, which had been rejected over WU.

Further, new independent method claim 24 includes the subject matter of former method claim 1 in addition at least to subject matter of former claims 1 through 5. Inasmuch as none of claims 2-5 were rejected over WU, Applicants submits that new claim 24, and the claims depending from claim 24, patentably define their invention over WU.

E. Withdrawal of the Rejection Based Upon ISHIDA + MARSHALL and the Rejection Based Upon ISHIDA + MARSHALL + BEGED

In the amendment above, Applicants have canceled the original claims, which had been rejected over ISHIDA in view of MARSHALL, as well as over ISHIDA in view of MARSHALL and BEGED.

Applicants respectfully submit that the newly presented claims 24-33 patentably define their invention over the aforementioned two grounds of rejection. Incidentally, the new claims correspond to those in Applicants' German patent (DE 102 59 667 B4), granted on July 16, 2004.

MARSHALL discloses a number of different scan patterns generated with the aid of rotating prisms. The scanning principle disclosed therein has been known for a long time and has been mentioned in the background section of the instant application (cf. J.M. Lloyd, Thermal Imaging Systems, 1975 Plenum Press, N.Y., p. 316-319). Astroid patterns, accordingly, can be generated with two rotating refractive prisms given a suitable choice of deflection angle and rotational speeds.

ISHIDA discloses a different kind of beam deflection with a device for image scanning using a focal plane array camera. For deflection in the x and y direction, this device uses drive mechanisms that accelerate the device at each movement and have to brake it again. A system of this type is too slow and too complex for the use described in Applicants' application, or combined with MARSHALL.

Taking the two documents, MARSHALL and ISHIDA, together produces only a device that combines the scanning principle according to MARSHALL with a camera according to ISHIDA. Applicants respectfully submit that a conclusion of obviousness, or "predictability," as asserted in the rejection, can only be based upon an impermissible hindsight reconstruction of Applicants' invention.

SUMMARY AND CONCLUSION

The grounds of objection and rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

No fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and/or complete to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number, fax number, or e-mail address given below.

Respectfully submitted,
Jochen BARTH et al.

A handwritten signature in black ink, appearing to read 'James L. Rowland', is written over a horizontal line.

James L. Rowland
Reg. No. 32,674

March 14, 2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
703-716-1191 (telephone)
703-716-1180 (fax)
jrowland@gbpatent.com

Attachment: Replacement Sheet